

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/016,161	12/10/2001		Tohru Takekoshi	RD-26,440-5	7816		
6147	7590	04/02/2004	•	EXAM	EXAMINER		
GENERA	L ELEC	TRIC COMPANY	WOODWARD, A	WOODWARD, ANA LUCRECIA			
GLOBAL PATENT I		CH RM. BLDG. K1-4A59	ART UNIT	PAPER NUMBER			
SCHENECTADY, NY 12301-0008				1711	<u>-</u>		
				DATE MAILED: 04/02/2004			

Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>		1 4 12 44 5	(
€ 3	Application No.	Applicant(s)				
	10/016,161	TAKEKOSHI, TOH	łRU			
Office Action Summary	Examiner	Art Unit				
	Ana L. Woodward	1711				
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c As a l		dress			
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a rep If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	LY IS SET TO EXPIREMON .136(a). In no event, however, may a reply be tin oly within the statutory minimum of thirty (30) day I will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	NTH(S) FROM nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).				
Status	1, 1,					
1)X Responsive to communication(s) filed on/_	14/04					
2a) This action is FINAL . 2b) ☑ Thi	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Application Papers 4) Claim(s) 25 2 Is/are pending in the application 4a) Of the above claim(s) is/are withdrated 5) Claim(s) is/are allowed. 6) Claim(s) 25 3 Is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or are subject to restriction and/or are subject to restriction and/or are subjected to by the Examination of the specification is objected to by the Examination of the specification are subjected to by the Examination of the specification is objected to by the Examination of the specification of the specification is objected to by the Examination of the specification is objected to by the Examination of the specification is objected to by the Examination of the specification is objected to by the Examination of the specification is objected to by the Examination of the specification is objected to by the Examination of the specification of the specification is objected to by the Examination of the specification of the specific	er. cepted or b) objected to by the led drawing(s) be held in abeyance. Section is required if the drawing(s) is objected to by the led to be detected to be dete	e 37 CFR 1.85(a). jected to. See 37 CF	• •			
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:)-152)			

Application/Control Number: 10/016,161 Page 2

Art Unit: 1711

DETAILED ACTION

Double Patenting

- 1. Claims 25-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,583,233 and U.S. Patent No. 6,608,147. Although the conflicting claims are not identical, they are not patentably distinct from each other because they contain overlapping subject matter.
- 2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Response to Amendment

3. Applicant's amendments filed January 16, 2004 have been fully considered and are persuasive to the extent that the 35 U.S.C. 112 rejection has been withdrawn.

Allowable Subject Matter

4. Claims 25-36 are allowable pending resolution of the obviousness-type double patenting rejection set forth hereinabove.

Art Unit: 1711

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Art Unit 1711

Page 3

ΑW